

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D.J.C.V., a minor child, and G.C., his father,

Plaintiffs,

-v-

UNITED STATES OF AMERICA,

Defendant.

20 Civ. 5747 (PAE)


ORDER

PAUL A. ENGELMAYER, District Judge:

On March 5, 2021, the Court held argument in this case. As discussed there, the parties are directed to submit supplemental letter briefs, with apposite case authority, on the following question: Where an officer made a decision challenged under the FTCA, and the parties dispute—and the cognizable materials do not clearly resolve—which of two policy frameworks the officer made that decision under, may a court, in the course of determining whether it has subject-matter jurisdiction, inquire (and if necessary commission jurisdictional discovery) into which of the policies actually formed the basis of the decision?

The Government shall submit its supplemental letter brief by March 19, 2021. Plaintiffs shall submit their brief by April 2, 2021. Neither submission shall exceed five single-spaced pages. The Court does not invite counsel to address questions other than the one above.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 8, 2021
New York, New York